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32 CFR § 1901

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

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AUTHORITY: National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

SOURCE: 40 FR 7294, Feb. 19, 1975, unless otherwise noted.

GENERAL

§ 1900.1 Purpose and authority.

This part is issued under the authority of, and in order to implement, section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as

amended (3 CFR Revised as of January 1, 1974, p. 339) and the Freedom of Information Act, as amended (5 U.S.C. 552). It prescribes procedures for:

(a) Requesting records pursuant to the Freedom of Information Act;

(b) Requesting the declassification of documents pursuant to Executive Order 11652;

(c) Appealing any denial or refusal of any such request to an appeal authority with the Central Intelligence Agency, to the Interagency Classification Review Committee, in appropriate cases, and to the courts;

(d) The prompt and expeditious processing of such requests and appeals; and

(e) Requesting estimates and advice prior to actually requesting records, thus affording protection against unanticipated fees.

This part is also designed to assist Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions, duties and responsibilities of the Central Intelligence Agency prescribed by and pursuant to law, including in particular those situations where it is deemed necessary to choose among conflicting requirements, duties and responsibilities.

§ 1900.3 Definitions.

For the purpose of this part, the following terms have the meanings indicated:

(a) "Agency" includes any executive department, military department or other establishment or entity included in the definition of agency in subsection 552(e) of Title 5 of the United States Code;

(b) "Coordinator" means the Central Intelligence Agency Freedom of Information Coordinator;

(c) "Expression of interest" means a written communication submitted by a potential requester pursuant to § 1900.23 to indicate an interest in requesting records;

(d) "Freedom of Information Act" means section 552 of Title 5 of the United States Code, as amended;

(e) "National Security Council Directive of May 1972" means the directive entitled "National Security Council

Directive Governing the Downgrading, Declassification, Safeguarding of National Information" approved and published at page (The President, Appen- dices) of the Code of Federal Regulations;

(f) "Potential requester" means any person, organization or entity who submits an expression of interest in accordance with § 1900.23;

(g) "Records," with the exception of records of the Central Intelligence Agency, includes all photographs, machine-readable materials and other documents regardless of physical characteristics made or received by the Central Intelligence Agency or by any other agency of federal law or in the transaction of public business, appropriate for preservation by the Central Intelligence Agency, in accordance with the policies, decisions, procedures or other actions of the Central Intelligence Agency or because of the historical value of data contained therein, the term does not include:

(1) Index, filing or other administrative materials made or acquired solely for reference or exhibition purposes;

(2) Routing and distribution sheets and notes and filing notes which do not contain information, comment or recommendation or policy;

(3) Books, newspapers, magazines and similar publications and excerpts from them;

(h) "Records of interest" means records which are the subject of an expression of interest;

(i) "Work days" means all days other than Saturdays, Sundays and legal public holidays.

140 FR 7294, Feb. 19, 1975, unless otherwise noted.

§ 1900.5 Organization: requests and submittals.

The headquarters of the Central Intelligence Agency is located at the Central Intelligence Agency Building, County, Va. Functions and determined by

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(3 CFR Revised as of January 1974, p. 339) and the Freedom of Information Act, as amended (5 U.S.C.) prescribes procedures for: requesting records pursuant to Freedom of Information Act; requesting the declassification of records pursuant to Executive Order 11652;

appealing any denial or refusal of such request to an appeal authority with the Central Intelligence Agency to the Interagency Classification Review Committee, in appropriate cases to the courts;

to prompt and expeditious processing of such requests and appeals.

requesting estimates and advice on actually requesting records, regarding protection against undue fees.

It is also designed to assist the Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions and responsibilities of the Central Intelligence Agency prescribed pursuant to law, including in those situations where it is necessary to choose among requirements, duties and priorities.

Definitions.

For the purpose of this part, the following have the meanings indicated:

"Agency" includes any executive department, military department or establishment or entity included in the definition of agency in subsection (a) of Title 5 of the United States Code.

"Coordinator" means the Central Intelligence Agency Freedom of Information Coordinator;

"Expression of interest" means a communication submitted by a requester pursuant to indicate an interest in records;

"Freedom of Information Act" means section 552 of Title 5 of the United States Code, as amended;

"National Security Council Directive 1972" means the directive of the National Security Council

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Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" approved on May 17, 1972 and published at page 227 of Title 3A (The President, Appendix (1972 Compilation)) of the Code of Federal Regulations;

(f) "Potential requester" means a person, organization or other entity who submits an expression of interest in accordance with § 1900.23;

(g) "Records," with reference to records of the Central Intelligence Agency, includes all papers, maps, photographs, machine readable materials and other documentary materials regardless of physical form or characteristics made or received by the Central Intelligence Agency in pursuance of federal law or in connection with the transaction of public business and appropriate for preservation by the Central Intelligence Agency as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Agency or because of the informational value of data contained therein. But the term does not include:

(1) Index, filing and museum documents made or acquired and preserved solely for reference, indexing, filing or exhibition purposes;

(2) Routing and transmittal sheets and notes and filing instructions and notes which do not also include information, comment or statement of substance or policy;

(3) Books, newspapers, magazines, and similar publications and clippings and excerpts from any such publications;

(h) "Records of interest" means records which are the subject of an expression of interest or of a request;

(i) "Work days" means calendar days other than Saturdays and Sundays and legal public holidays.

[40 FR 7294, Feb. 19, 1975, as amended at 42 FR 24049, May 12, 1977]

§ 1900.5 Organization: requests and submittals.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Functions are channeled and determined by regular chain-of-

command procedures. Except as provided by this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests and other submittals may be addressed to the CIA Freedom of Information Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

REQUESTING RECORDS

§ 1900.11 Freedom of information communications: requirements as to form.

(a) Any communication to the Central Intelligence Agency or to the Director of Central Intelligence under the Freedom of Information Act should be addressed to:

CIA Freedom of Information Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

That address should appear on the envelope or other folder or package in which the communication is transmitted. It should also be included as the addressee of the letter or other communication or be clearly set forth in the text of the communication.

(b) Any request for records under the Freedom of Information Act (§ 1900.21), expression of interest in requesting records (§ 1900.23) or request for declassification of records under Executive Order 11652 shall be in writing and shall be addressed as prescribed by paragraph (a) of this section. The Coordinator may, but need not, waive the requirements as to address.

(c) The request or expression of interest shall reasonably describe the records of interest.

(d) Any request or communication to an agency other than the Central Intelligence Agency which requests or concerns documents or records originated by the CIA, and which is transferred by that agency to the CIA, shall be considered a Freedom of Information request to the CIA for that referred document as of date of receipt by the CIA of the referral, and shall be processed pursuant to regulations. CIA will respond directly to the requester.

[40 FR 7249, Feb. 19, 1975, as amended at 42 FR 24049, May 12, 1977]

§ 1900.21 Option to request records.

Any person, organization or entity may submit a written request for records to the Coordinator, in accordance with the procedures prescribed by § 1900.11. An estimate of charges likely to be incurred may be obtained by requesting such an estimate as provided by § 1900.23.

§ 1900.23 Pre-request option: estimates of charges.

(a) In order to avoid being faced with unanticipated sizeable charges, interested persons and entities may defer the submission of requests for records and first submit a written request, in accordance with the procedures prescribed by § 1900.11, for an estimate of charges likely to be incurred if the records are requested.

(b) Notice is hereby given that a requester may be liable for the payment of search charges, in accordance with the fee schedule and provisions of § 1900.25, even if search for requested records locates no such records and even if some or all of requested records which are located are denied the requester under one or more exemptions of the Freedom of Information Act. In determining which of options §§ 1900.21 and 1900.23(a) to exercise, interested persons and entities are urged to take into consideration the fact of possible liability.

§ 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set out in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. The Coordinator also may waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$4.

(b) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or of such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with the Coordinator in an attempt to revise the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour spent by clerical personnel in searching for a record, \$1;

(2) For each one quarter hour spent by professional personnel in searching for a record, \$2;

(3) For computer search, \$55;

(4) For copies of paper documents in sizes not larger than 8½ × 14 inches, \$0.10 per copy of each page; and

(5) For duplication of non-paper media or any document that cannot be reproduced on a standard office copier actual direct cost.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

§ 1900.31 Screening communications.

(a) If any Agency employee receives a written communication which the employee deems to be an apparent or intended communication under the Freedom of Information Act, he shall expeditiously transmit the communication to the Coordinator and alert the Coordinator to the fact that the communication may be a communication under the Freedom of Information Act.

(b) Upon receipt of a communication in accordance with § 1900.11 or paragraph (a) of this section, the Coordinator shall promptly consult with

such Agency component deemed appropriate and:

(1) Determine the communication (an indication of interest (§ 1900.21) or an expressed request (§ 1900.23) or

(2) If he determines it to be an intended interest or intended request, he shall further determine who qualify as an expressed request only because it may describe the records.

(c) The Coordinator shall take the appropriate following actions:

(1) If he determined a communication was not an expression of interest or request, he shall take steps with respect to the communication which he may deem appropriate.

(2) If he determined a communication was an indication of interest or an intended request but failed to reasonably describe records of interest, he shall promptly, in writing, advise the originator to assist the originator in perfecting the description of records of interest.

(3) The Coordinator shall determine whether any communication under paragraph (a) of this section is an expressed request, or is a request made with published rules and procedures to be followed, subsection (a)(3) of the Freedom of Information Act. The determination in this subsection shall be based on and shall reflect the intent of the originator of the communication insofar as the originator is able to determine the originator's intent to the Coordinator and the Coordinator deems it desirable, he shall promptly advise the originator to obtain the latter's intent.

(d) The Coordinator shall advise the requester, in writing, of the determination made under subsection (a) of this section and, in the event of termination that the communication is not a request, of the date

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ere it is anticipated that the feeable under this section will be more than \$25, and the reason not indicated in advance for the request to pay fees as high as stated, the requester shall be notified of the amount of the stated fee or of such portion which can readily be estimated. In the cases an advance deposit is required. The notice or request for an advance deposit shall extend to the requester to confer with the Coordinator in an attempt to request in a manner which will cover the fees and meet the needs of the requester. Dispatch of the notice or request shall suspend the period for response until a reply is received from the requester.

Schedule of fees for services rendered in responding to requests for records is established as follows:

Each one quarter hour spent by personnel in searching for a record.

Each one quarter hour spent by personnel in searching for a record, \$2;

Computer search, \$55;

Copies of paper documents in excess of 8 1/2 x 14 inches, \$1.00 per page; and

Duplication of non-paper documents or documents that cannot be reproduced on a standard office copier at cost.

§ 1900.33 FREEDOM OF INFORMATION ACT COMMUNICATIONS**Processing communications.**

Agency employee receives a communication which the employee deems to be an apparent or suspected expression of interest under the Freedom of Information Act, he shall promptly transmit the communication to the Coordinator and alert the requester to the fact that the communication may be a communication under the Freedom of Information Act.

Receipt of a communication under this section, the Coordinator shall promptly consult with

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such Agency components as he may deem appropriate and:

(1) Determine the nature of the communication (an intended expression of interest (§ 1900.21), and intended request (§ 1900.23) or other); and

(2) If he determines the communication to be an intended expression of interest or intended request, he shall further determine whether it fails to qualify as an expression of interest or request only because it fails to reasonably describe the records of interest.

(c) The Coordinator thereupon shall take the appropriate one of the following actions:

(1) If he determined that the communication was not an intended expression of interest or an intended request, he shall take such action with respect to the communication as he may deem appropriate.

(2) If he determined that the communication was an intended expression of interest or an intended request but failed to reasonably describe the records of interest, he shall so inform the originator of the communication promptly, in writing, and he may offer to assist the originator in revising and perfecting the description of the records of interest.

(3) The Coordinator shall determine whether any communication not acted on under paragraph (c)(1) or (2) of this section is an expression of interest, or is a request made in accordance with published rules stating the procedures to be followed, as required by subsection (a)(3) of the Freedom of Information Act. The Coordinator's determination in this regard shall be based on and shall reflect the clear intent of the originator of the communication insofar as the Coordinator is able to determine that intent. When the originator's intent is not apparent to the Coordinator and when the Coordinator deems it desirable and feasible, he shall promptly communicate with the originator in order to ascertain the latter's intent.

(d) The Coordinator shall inform the requester, in writing, of his determination made under paragraph (c)(3) of this section and, in the case of a determination that the communication is a request, of the date of such determination.

Such notification shall be given promptly and, in any case, within five work days of the date of such determination. The ten work days within which the Agency must determine whether to comply with a request, as provided by subsection (a)(6)(A)(i) of the Freedom of Information Act, shall begin as of the date of such determination.

(e) The Coordinator shall promptly process under the procedures prescribed by § 1900.33 those communications which he determines to be expressions of interest. He shall promptly process under the procedures prescribed by § 1900.35 those communications which he determines to be requests.

§ 1900.33 Processing expressions of interest.

(a) Upon determining, in accordance with paragraph (c)(3) of § 1900.31, that a communication is an expression of interest, and after promptly consulting with such Agency components as he may deem appropriate, the Coordinator, to the extent feasible, shall determine the search and duplication charges likely to be incurred by the potential requester if the potential requester ultimately requests such records. In determining such charges, the Coordinator shall take into account the nature and quantity of the work and services of people and computers and other equipment which may be required, and the applicable rates set out in the fee schedule prescribed by paragraph (c) of § 1900.25. If feasible at this stage, the Coordinator also shall determine whether to waive or reduce the fee in accordance with paragraph (a) of § 1900.25.

(b) The Coordinator thereupon shall advise the potential requester, in writing, of the likely search and duplication charges. He shall explain the bases and reasons for the charges and he shall make clear that the amounts indicated are estimates only, if such be the case, and, if there is a possibility that the charges to be incurred may be in larger amounts, he shall so inform the potential requester. If the amounts indicated are not estimates but are the amounts which in fact are

er makes a request, he shall inform the potential requester of that fact. In either event and if such be the case, he shall also inform the potential requester that search charges will be levied upon the requester even if no records fitting the description are located or if any or all records which do fit the description are denied the requester.

(c) When he deems it appropriate or when the potential requester so requests, the Coordinator shall consult with and advise the potential requester with the view to assisting the latter to determine whether and, if so, how to revise the description of the records of interest so as to cause or permit a reduction in the likely and actual search and duplication charges.

(d) Upon receipt of such estimate and advice concerning likely charges, the potential requester may:

(1) In accordance with § 1900.21, submit a request for records, either the records of interest indicated in his expression of interest or records encompassed in a less-inclusive description;

(2) Advise the Coordinator that he does not intend to request records; or

(3) Take no additional action.

(e) If, as a result of his consultations with the Coordinator or otherwise, the potential requester wants to request records additional to or other than those described in his expression of interest, he may submit an expression of interest with respect to such records, in accordance with § 1900.23, or a request for such records, in accordance with § 1900.21.

§ 1900.35 Processing requests for records.

(a) Upon determining that a communication is a request for records, the Coordinator, after consulting with such Agency components as he may deem appropriate, shall promptly transmit a copy of the request to the component or components believed responsible for the records, if any exist, inform the components of the date of receipt of the request as determined by him pursuant to paragraph (c)(3) of § 1900.31, and alert the components to the action required of them by

§ 1900.41 through § 1900.47 with respect to the request.

(b) Notwithstanding paragraph (a) of this section, the Coordinator may determine that there is no basis for searching for requested records or that the appropriate answer to a request obviates the need to determine the existence or non-existence of records responsive to the request. Whenever the Coordinator makes such a determination he shall respond to the requester accordingly, and the requirements of paragraph (a) of this section and of §§ 1900.41 through 1900.47 shall not apply as to that request.

[40 FR 7294, Feb. 13, 1975, as amended at 40 FR 24897, June 11, 1975]

ACTIONS ON REQUESTS

§ 1900.41 Searching for requested records.

(a) Upon receipt of a copy of a request and an alert pursuant to § 1900.35, the components responsible for requested records (hereinafter the "responsible components"), shall, with such assistance as may be appropriate from the Coordinator and from such reference, indexing or filing components as may have reference, indexing or filing responsibilities with respect to any such records, undertake to locate the requested records.

(b) If no records described by the request are located, the responsible components shall so inform the Coordinator who shall promptly so inform the requester, in writing. The Coordinator also shall determine the charges, if any, for which the requester shall be liable, in accordance with the fee schedule and provisions of § 1900.25. He shall inform the requester of the amount charged, explain the basis of computation and request prompt payment thereof.

§ 1900.43 Reviewing records.

(a) The responsible components shall review any located records in accordance with the provisions of the Freedom of Information Act and Executive Order 11652, and on the basis of other applicable law, regulations and policy, and determine which, if any, requested records, or reasonably segregable portions of records, are to

be furnished the request are to be denied or withheld. Requested records shall be furnished by employees and official authority to make such determination have been duly delegated.

(b) In the event review by more than one component or by more than the Coordinator or the component, as may be, shall expeditiously coordinate review.

(c) In the event located records are determined to have originated from another government agency, the Coordinator shall notify the agency of such fact and shall expedite such records or information thereof to the originator for their determination and response to the requester.

[40 FR 7294, Feb. 19, 1975, as amended at 40 FR 24049, May 12, 1975]

§ 1900.45 Expeditious action time.

Whenever feasible under the standards prescribed by § 1900.41 and 1900.43, the requester of the Agency shall complete the request, as prescribed in paragraph (a) of § 1900.49, within ten days of Agency receipt of the request. The time determined by the Coordinator pursuant to paragraph (c)(3) of § 1900.41, however, shall prevail over the Coordinator's determination of "unusual circumstances," as determined by subsection (a)(6)(B) of the Freedom of Information Act, to exist. The Coordinator shall give written notice to the requester of the extension of time and authorize an additional period of extension of Agency action. The extension shall be for not more than ten work days. His notice shall set forth the reasons for the extension.

§ 1900.47 Allocation of man sources: agreed extension

(a) Agency components shall allocate such manpower and other resources as may be required for searching for, locating a records in accordance with § 1900.41 and 1900.43 as may be appropriate.

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41 through § 1900.47 with reference to the request.

Notwithstanding paragraph (a) of this section, the Coordinator may determine that there is no basis for requesting for requested records or he appropriate answer to a request obviates the need to determine existence or non-existence of records responsive to the request. When the Coordinator makes such a determination he shall respond to the request accordingly, and the requirements of paragraph (a) of this section §§ 1900.41 through 1900.47 shall apply as to that request.

7294, Feb. 19, 1975, as amended at 40 FR 24049, May 12, 1975]

ACTIONS ON REQUESTS

Searching for requested records.
Upon receipt of a copy of a request and an alert pursuant to § 1900.41, the components responsible for requested records (hereinafter the "responsible components"), shall, with assistance as may be appropriate from the Coordinator and from such components, indexing or filing components may have reference, indexing responsibilities with respect to such records, undertake to locate requested records.

For records described by the request located, the responsible component shall so inform the Coordinator. The Coordinator shall promptly so inform the requester in writing. The Coordinator shall determine the charges, if any, which the requester shall be required to pay in accordance with the fee schedule and provisions of § 1900.25. The Coordinator shall inform the requester of the charges, explain the basis of the charges, and request prompt payment.

Reviewing records.

The responsible components shall review any located records in accordance with the provisions of the Freedom of Information Act and Executive Order 11652, and on the basis of applicable law, regulations, and determine which, if any, portions of records, are to

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be furnished the requester and which are to be denied or withheld. Any decision to furnish or to deny or withhold requested records shall be made only by employees and officials to whom authority to make such decisions has been duly delegated.

(b) In the event records require review by more than one Agency component or by more than one agency, the Coordinator or the responsible component, as may be appropriate, shall expeditiously coordinate such review.

(c) In the event located records are determined to have originated with another government agency, the Coordinator shall notify the requester of such fact and shall expeditiously forward such records or a description thereof to the originating agency for their determination and direct response to the requester.

[40 FR 7294, Feb. 19, 1975, as amended at 42 FR 24049, May 12, 1977]

§ 1900.45 Expeditious action: extension of time.

Whenever feasible under the standards prescribed by § 1900.47, the search and review functions prescribed by §§ 1900.41 and 1900.43 and notice to the requester of the Agency action on the request, as prescribed by paragraph (a) of § 1900.49, shall be completed within ten days of the date of Agency receipt of the request as determined by the Coordinator pursuant to paragraph (c)(3) of § 1900.31. Whenever the Coordinator determines that "unusual circumstances," as defined by subsection (a)(6)(B) of the Freedom of Information Act, exist, he may, by written notice to the requester, authorize an additional period for completion of Agency action, but no such extension shall be for more than ten work days. His notice shall also set forth the reasons for the extension.

§ 1900.47 Allocation of manpower and resources: agreed extension of time.

(a) Agency components shall devote such manpower and other resources to searching for, locating and reviewing records in accordance with §§ 1900.41 and 1900.43 as may be appropriate and

expedient in the circumstances, taking into account:

(1) The manpower and resources available for those purposes;

(2) The right of the requester to resort to litigation if the Agency decision on the request is not made within ten work days; and

(3) All functions, duties and responsibilities assigned to those components by, or pursuant to, law.

(b) The responsible components shall consult with the Coordinator with regard to the need to allocate resources and establish priorities, and the latter with the requester, as may be appropriate, in order to accomplish such arrangements and agreements with the requester as may be acceptable to the requester concerning the Agency's efforts and ability to act on his request expeditiously. In particular, when the Coordinator deems it feasible and of possible benefit to the requester, the public or the Agency, he shall inform the requester that more thorough or extensive search or review, or both, could be accomplished, which might be of benefit to the requester, if additional time were to be available. When appropriate in such cases, the Coordinator shall also advise the requester of the effect on charges and fees such additional search might cause. Any extensions arranged or agreed to under this section may be in addition to any extension under § 1900.45.

§ 1900.49 Notification and payment: furnishing records.

(a) The Coordinator shall promptly inform the requester, in writing, which of the requested records, or portions thereof, if any, are to be furnished the requester and those, if any, which are denied, as determined pursuant to paragraph (a) of § 1900.43. With respect to the latter, he shall also explain the reasons for the denial and he shall furnish the names and titles or positions of the persons responsible for the decision to deny access.

(b) Upon receipt of payment of all fees and charges, or upon the completion of arrangement satisfactory to the Coordinator that payment will be made promptly, the Coordinator shall

ords, or portions of records, which are to be made available and transmit them to the requester. The Coordinator shall do likewise with respect to any records or portions of records made available to a requester by the action of the Central Intelligence Agency Information Review Committee under paragraph (e)(1) or (2) of § 1900.51.

APPEALS

\$ 1900.51 Appeal to CIA Information Review Committee.

(a) *Establishment of committee.* The Central Intelligence Agency Information Review Committee is established hereby, pursuant to the Freedom of Information Act and section 7(B)(2) of Executive Order 11652. The Committee shall be composed of the Deputy Director for Administration, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy Director of the National Foreign Assessment Center. The Director of Central Intelligence shall appoint a chairman. The Committee, by majority vote, may delegate to one or more of its members the authority to act on any appeal or appeals under this section, and may authorize the chairman to delegate such authority.

(b) *Right of appeal: Notice.* Whenever any requested record or any portion thereof is denied a requester, the requester may appeal the denial to the Committee and the Coordinator shall inform the requester of this right, in writing. Also, any requester for the declassification of classified documents under Executive Order 11652 who is not informed of Agency action thereon within sixty days of his request may request the Committee to declassify the documents and make them available.

(c) *Appeal procedures.* Any such appeal or request to the Committee shall be in writing, addressed to the CIA Freedom of Information Coordinator. The appeal or request may present such information, data and argument in support thereof as the re-

quester may desire. The Committee shall not permit a requester to appear before the Committee or to make an oral presentation.

(d) *Time for appeal: Expiration of right of appeal.* An appeal shall be submitted within thirty days of the date of receipt of notification of the right to appeal and the right of appeal shall cease as of the expiration of that period. But the Committee, for good cause shown, may permit an additional thirty days for the submission of an appeal.

(e) *Committee action on appeals and requests.* (1) The Committee shall promptly consider any appeal, together with any submissions in support thereof, and shall grant or deny the appeal or take such other action thereon as it may deem appropriate. The Committee's review, decision and action shall be based on and shall be in conformance with the Freedom of Information Act, Executive Order 11652 and other applicable law, directives, regulations and policy.

(2) The Committee shall promptly consider any requests for declassification under paragraph (a) of this section and shall declassify any such records or reasonably segregable portions of such records as it deems appropriate in accordance with Executive Order 11652.

(3) Committee action on appeals shall be completed within twenty work days of receipt of the appeal, except that the Committee may, in accordance with the provisions of § 1900.45, avail itself of an additional period of time for completion of its work on the appeal. But no such extension shall be available with respect to an appeal of a denial of a request which was the subject of an extension of time for Agency action by the Coordinator under that paragraph. In the event the Committee is unable to complete its review of an appeal within the time prescribed by the two preceding sentences it may, by agreement with the requester, extend the period for completion of such review.

(4) The Committee shall promptly inform the requester of its decisions and, with respect to any decision to withhold or deny records, it shall fur-

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[40 FR 7294, Feb. 19, 1975;
FR 24527, June 6, 1978]

§ 1900.53 Appeal to Education Review Commission

In the case of any records which are old, the Committee, if the requester of his that denial to the Information Review Commission pursuant to section Order 11652, as per IX(D) of the National Directive of M. event, the Committee inform the requester the Interagency Classification Committee shall not judicial review as per section (a)(4) of the Act

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§ 1900.61 Access for h

(a) Any person or
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(b) The Coordinating Agency, under such conditions of time and place as may be feasible, shall authorize access only to documents and records created not less than 10 years prior to the date of such access, unless upon the prior written request of the Agency Director or the present security clearance officer and of persons directly involved in the project, in accordance with Executive Order 10450. The Coordinating Agency's further action shall be:

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sire. The Committee shall permit a requester to appear before the Committee or to make an appeal.

Expiration of appeal.

An appeal shall be filed within thirty days of the date of notification of the denial of the right of appeal and the expiration of that period. The Committee, for good cause, may permit an additional period for the submission of an appeal.

Action on appeals and

The Committee shall consider any appeal, together with the submissions in support of the appeal, and shall grant or deny the appeal and such other action as it may deem appropriate. The Committee's review, decision and action shall be based on and shall be subject to the Freedom of Information Act, Executive Order 11652, and applicable law, regulations, and policy.

The Committee shall promptly review requests for declassification pursuant to paragraph (a) of this section and shall reclassify any such records as it deems appropriate in accordance with Executive Order 11652.

The Committee shall promptly review appeals within twenty working days of the appeal, except that the Committee may, in accordance with the provisions of § 1900.45, extend the period of its work on the appeal. The extension shall be for a period not to exceed thirty days. The Committee shall be permitted to extend the period of its work on the appeal if it is unable to complete the appeal within the time period. The extension of time for the appeal shall be at the discretion of the Coordinator. In the event the Committee is unable to complete the appeal within the time period, the Coordinator shall promptly review the appeal and shall promptly render its decision on the appeal. The Committee shall promptly render its decision on the appeal and shall promptly render its decision on the appeal.

The Committee shall promptly render its decision on the appeal and shall promptly render its decision on the appeal.

Chapter XIX—Central Intelligence Agency**§ 1900.63**

The Committee shall notify the names and titles or positions of the persons responsible for the decision. If any record or portion thereof is denied the requester by the Committee's action, the Committee shall also inform the requester of the provision for judicial review of that determination under subsection (a)(4) of the Freedom of Information Act.

(40 FR 7294, Feb. 19, 1975, as amended at 43 FR 24527, June 6, 1978)

§ 1900.53 Appeal to Interagency Classification Review Committee.

In the case of any refusal to declassify records which are at least ten years old, the Committee also shall inform the requester of his right to appeal the denial to the Interagency Classification Review Committee established pursuant to section 7(A) of Executive Order 11652, as provided by section 1X(D) of the National Security Council Directive of May 1972. In that event, the Committee shall also inform the requester that appeal to the Interagency Classification Review Committee shall not waive his right to judicial review as provided by subsection (a)(4) of the Act.

MISCELLANEOUS**§ 1900.61 Access for historical research.**

(a) Any person engaged in a historical research project may submit a request, in writing, to the Coordinator to be given access to information classified pursuant to an Executive order for purposes of that research project. The request, the nature, purpose and scope of the research project.

(b) The Coordinator may authorize access, under such conditions and at such time and place as he may deem feasible. But the Coordinator shall authorize access only with respect to documents and records prepared or originated not less than ten years prior to the date of such request and only upon the prior written approval by the Agency Director of Security of a current security clearance of the requester and of persons associated with him in the project, in accordance with Executive Order 10450, and upon the Coordinator's further determination that:

(1) A serious professional or scholarly research project is contemplated;

(2) Such access is clearly consistent with the interests of national security;

(3) Appropriate steps have been taken to assure that classified information will not be published or otherwise compromised;

(4) The information requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(5) The historical researcher agrees to safeguard the information in a manner consistent with Executive Order 11652 and the National Security Council Directive of May 1972; and

(6) The historical researcher agrees to authorize a prior review of his notes and manuscript by the Agency for the sole purpose of determining that no classified information is contained therein.

(c) An authorization shall be valid for the period required for the research project, as the Coordinator may determine, but in no event for more than two years. But upon renewed request in accordance with paragraph (a) of this section, authorization may be renewed in accordance with paragraph (b) of this section and this paragraph.

(d) The Coordinator shall cancel any authorization whenever the Director of Security cancels the security clearance of the requester or of any person associated with the requester in the research project or whenever the Coordinator determines that continued access would not be in compliance with one or more of the requirements of paragraph (b) of this section.

§ 1900.63 Suggestions and complaints.

Any person may direct any suggestion or complaint with respect to the Agency administration of Executive Order 11652 to the CIA Information Review Committee. The Committee shall consider such suggestions and complaints and shall take such action thereon as it may deem feasible and appropriate.

PART 1901—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Sec.

- 1901.1 Purpose and scope.
- 1901.3 Definitions.
- 1901.11 Procedures for requests pertaining to individual records in a record system.
- 1901.13 Requirements for identification of individuals making requests.
- 1901.15 Disclosure of requested information to individuals.
- 1901.17 Appeal of determination to deny access to requested record.
- 1901.19 Special procedures for disclosure of medical and psychological records.
- 1901.21 Request for correction or amendment to record.
- 1901.23 Appeal of initial adverse agency determination on correction or amendment.
- 1901.31 Disclosure of record to person other than the individual to whom it pertains.
- 1901.41 Fees.
- 1901.51 Penalties.
- 1901.61 General exemptions.
- 1901.71 Specific exemptions.

AUTHORITY: 5 U.S.C. 552A; 5 U.S.C. 553.

SOURCE: 40 FR 45322, Oct. 1, 1975, unless otherwise noted.

§ 1901.1 Purpose and scope.

(a) This proposed regulation is published pursuant to the Privacy Act of 1974 (5 U.S.C. 552a). This proposed regulation establishes procedures by which an individual may request notification of whether the Central Intelligence Agency maintains a record pertaining to him in any non-exempt portion of a system of records or any non-exempt system of records, request a copy of such record, request that the record be amended, appeal any initial adverse determination of any request to deny access to or amend a record and submit additional data to augment or correct such record. The proposed regulation further specifies those systems of records or portions of systems of records the Director has determined to exempt from the procedures established by this regulation and from certain provisions of the Act.

(b) The purpose of the proposed general exemption, in the instance of polygraph records, is to prevent access and review of records which intimately

reveal a CIA security method. The purpose of the proposed general exemption from the provisions of subsections (c)(3) and (e)(3) (A-D) is to avoid disclosures that may adversely affect ongoing operational relationships with other intelligence and related organizations and thus reveal or jeopardize intelligence sources and methods or risk exposure of intelligence sources and methods in the processing of covert employment applications.

(c) The purpose of the proposed general exemption from subsections (d), (e) (4) (G), (f) (1) and (g) of the Act is to protect only those portions of systems of records which if revealed would risk exposure of intelligence sources and methods or hamper the ability of the CIA to effectively use information received from other agencies or foreign services.

(d) It should be noted that by subjecting information which would consist of, reveal or pertain to intelligence sources and methods to separate determinations by the Director of Central Intelligence under § 1901.61 (c) and (d) regarding access and notice, an intent is established to apply the exemption from access and notice only in those cases where notice in itself would constitute a revelation of intelligence sources and methods. In all cases where only access to information would reveal such source or method, notice will be given upon request.

(e) The purpose of the proposed specific exemptions provided for under section (k) of the Act is to exempt only those portions of systems of records which would consist of, pertain to or reveal that information which is enumerated in the above noted section (k).

(f) In each case, the Director of Central Intelligence has determined that the enumerated classes of information should be exempt in order to comply with directives in Executive Order 11652 dealing with the proper classification of national defense or foreign policy information; protect the privacy of other persons who supplied information under an implied or express grant of confidentiality in the case of law enforcement or employment and security suitability investigations or

promotion material in the case of armed services; protect information used in connection with assignment protective services under 18 U.S.C. 3056; protecting the efficacy of materials; and protect information which would constitute information required by statute to be maintained and used solely as statistical records.

§ 1901.3 Definitions.

For the purposes of this part

(a) "Agency" means each agency of the United States Government defined in 5 U.S.C. 552(e).

(b) "Individual" means a citizen of the United States or an alien admitted for permanent residence, a living being and to whom information might pertain.

(c) "Maintain" means maintain, collect, use, or disseminate.

(d) "Record" means an item, collection or grouping of information pertaining to an individual that is maintained by the Central Intelligence Agency.

(e) "System of Records" means a group of any records under the control of the Central Intelligence Agency from which records are retrieved by the name of the individual or identifying number, symbol, or identifying particular assigned to the individual.

(f) "Routine use" means a use of such record for a purpose which is compatible with the purpose for which the record is maintained.

§ 1901.11 Procedures for requesting access to individual records in a record system.

(a) An individual seeking access to a record in a system of records contains a record pertaining to an individual seeking access to information or records pertaining to which is available under the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) In addition to meeting the requirements set forth in § 1901.13 individuals seeking access shall, to the best of their ability, describe the nature

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CIA security method. The of the proposed general exemption from the provisions of subsection (b) and (e)(3) (A-D) is to avoid s that may adversely affect operational relationships with intelligence and related organizations thus reveal or jeopardize ce sources and methods or sure of intelligence sources nodes in the processing of ployment applications.

purpose of the proposed generation from subsections (d), (e), (f) (1) and (g) of the Act is

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purpose of the proposed specifications provided for under the Act is to exempt portions of systems of records which would consist of, pertain to, or contain information which is excluded in the above noted section.

In case, the Director of Censorship has determined that certain classes of information are exempt in order to comply with the proper classification in Executive Order regarding the proper classification of defense or foreign information; protect the privacy of persons who supplied information; an implied or express confidentiality in the case of employment or employment investigations or

Chapter XIX—Central Intelligence Agency

promotion material in the case of the armed services; protect information used in connection with assisting in protective services under 18 U.S.C. 3056; protecting the efficacy of testing materials; and protect information which would constitute information required by statute to be maintained and used solely as statistical records.

§ 1901.3 Definitions.

For the purposes of this part:

(a) "Agency" means each authority of the United States Government as defined in 5 U.S.C. 552(e).

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence who is a living being and to whom a record might pertain.

(c) "Maintain" means maintain, collect, use, or disseminate.

(d) "Record" means an item, collection or grouping of information about an individual that is maintained by the Central Intelligence Agency.

(e) "System of Records" means a group of any records under the control of the Central Intelligence Agency from which records are retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(f) "Routine use" means (with respect to the disclosure of a record) the use of such record for a purpose which is compatible with the purpose for which the record is maintained.

§ 1901.11 Procedures for requests pertaining to individual records in a record system.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or an individual seeking access to information or records pertaining to him which is available under the Act shall address his request in writing to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) In addition to meeting the identification requirements set forth in § 1901.13 individuals seeking notification or access shall, to the best of their ability, describe the nature of the

record sought and the system in which it is thought to be included, as described in the Notices of Records Systems which is published in the August 28, 1975 issue of the FEDERAL REGISTER.

§ 1901.13 Requirements for identification of individuals making requests.

(a) An individual seeking access to or notification of the existence of records about himself shall provide in the letter of request his full name, address, date and place of birth together with a notarized statement swearing to or affirming his identity. If it is determined by the Privacy Act Coordinator that this information does not sufficiently identify the individual, the Privacy Act Coordinator may request additional identification from the individual or clarification of information submitted by the individual.

(b) In the case of an individual who is an alien lawfully admitted for permanent residence, said individual shall provide, in addition to the information required under paragraph (a) of this section, his or her Alien Registration number.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or person represented as required in paragraph (a) or (b) of this section, establish evidence of such parentage or guardianship by providing a copy of the minor's birth certificate or the court order establishing such guardianship.

§ 1901.15 Disclosure of requested information to individuals.

(a) The Privacy Act Coordinator shall within ten days (excluding Saturdays, Sundays and legal holidays) send the requester written acknowledgment pursuant to § 1901.11 of receipt of the request.

(b) Responses to requests made pursuant to § 1901.11 will be made promptly by the Privacy Act Coordinator.

(c) The Privacy Act Coordinator upon receipt of a request made pursuant to § 1901.11 shall refer the request to the responsible components.

(d) The responsible components shall:

(1) Determine whether a record exists; and

(2) Determine whether access may be available under the Act.

(e) The responsible components shall inform the Privacy Act Coordinator of any determination made pursuant to paragraph (d) (1) or (2) of this section. The Privacy Act Coordinator shall, in turn, notify the individual of the determination and shall provide copies of records determined to be accessible if copies have been requested. In the event that information pertaining to the individual in a CIA record system was received from another Federal agency, the individual will be so notified and that information shall be referred to the originating agency.

(f) If a determination has been made not to give access to requested records the Privacy Act Coordinator shall inform the individual of the reason therefor and the right of appeal of this determination by the responsible components under § 1901.17.

(g) This section shall not be construed to allow access to information determined to be exempt under determinations made pursuant to 5 U.S.C. 552a (j) and (k).

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.17 Appeal of determination to deny access to requested record.

(a) Any individual whose request made pursuant to § 1901.11 is refused may appeal by submitting a written statement setting forth the basis for the appeal to the Privacy Act Coordinator. Persons who require procedural guidance in preparing an appeal to the Agency's initial refusal to provide records may write for assistance to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall request the Deputy Directors make a determi-

nation on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(c) The Deputy Directors of the responsible components, or senior officers designated by them, shall review the initial decision to deny access to the requested records and shall inform the Privacy Act Coordinator of the review determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination. If the determination reverses the initial denial, the Privacy Act Coordinator shall provide copies of the records requested. If the determination upholds the initial denial the Privacy Act Coordinator shall inform the individual of his right to judicial review as provided for by this Part.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.19 Special procedures for disclosure of medical and psychological records.

(a) When a request for copies of medical records is made by an individual and when the Privacy Act Coordinator determines that such medical and psychological records are not exempt from disclosure, the Privacy Act Coordinator, after consultation with Director of Medical Services, may determine (1) which medical or psychological records may be sent directly to the requestor and (2) which medical or psychological records should not be sent directly to the requestor because of possible harm to the individual. In the case of paragraph (a)(2) of this section, the Privacy Act Coordinator shall so notify the requestor.

(b) When a determination has been made not to make medical or psychological records noted in paragraph (a) of this section available to the individual the Privacy Act Coordinator shall inform the individual that the medical or psychological record will be made available to a physician of the individual's choice if the individual specifically requests. Upon receipt of such request and after proper verification of the identity of the physician, the Privacy Act Coordinator shall send such records to the named physician.

§ 1901.21 Request for amendment of record.

(a) An individual requesting amendment or correction of a record pertaining to him by mail to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, shall identify the record to be amended or corrected, the nature of the amendment sought, and the reason for such correction.

(b) Within ten days of receipt of the request by the Privacy Act Coordinator (excluding Saturdays, Sundays or legal holidays) the Privacy Act Coordinator shall acknowledge the request.

(c) The Privacy Act Coordinator shall refer such request to the responsible components responsible for receipt of such records. The responsible components shall date of receipt and the responsible component shall make an initial determination within thirty days (excluding Saturdays, Sundays or legal holidays).

(d) The responsible components shall:

(1) Make any correction or amendment to any portion of the record which the individual requests, which the individual deems accurate, relevant, true, and inform all other components or agencies to which the record has been amended and the Privacy Act Coordinator of the Privacy Act Coordinator shall promptly inform the individual.

(2) Determine if the record requires correction or amendment and shall so inform the Privacy Act Coordinator who shall promptly inform the individual setting out the reasons for the determination and advising the individual of the right of appeal to the Privacy Act Coordinator under § 1901.23.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

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on the appeal within thirty (excluding Saturdays, Sundays or holidays).

The Deputy Directors of the responsible components, or senior officials designated by them, shall review the initial decision to deny access to requested records and shall inform the Privacy Act Coordinator of the determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination. If the determination reverses the initial denial, the Privacy Act Coordinator shall provide copies of the records requested. If the determination upholds the initial denial the Privacy Act Coordinator shall inform the individual of his right to judicial review as provided for by this Part.

[45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

19 Special procedures for disclosure of medical and psychological records.

When a request for copies of all records is made by an individual when the Privacy Act Coordinator determines that such medical and psychological records are not exempt from disclosure, the Privacy Act Coordinator, after consultation with the Director of Medical Services, may permit (1) which medical or psychological records may be sent directly to the requestor and (2) which medical and psychological records should not be sent directly to the requestor because of possible harm to the individual. In the case of paragraph (a)(2) of this section, the Privacy Act Coordinator shall so notify the requestor.

When a determination has been made not to make medical or psychological records noted in paragraph (a) of this section available to the individual, the Privacy Act Coordinator shall inform the individual that the medical and psychological record will be made available to a physician of the individual's choice if the individual specifically requests. Upon receipt of such request and after proper verification of the identity of the physician, the Privacy Act Coordinator shall send such records to the named physician.

Chapter XIX—Central Intelligence Agency**§ 1901.23**

§ 1901.21 Request for correction or amendment of record.

(a) An individual may request amendment or correction of a record pertaining to him by addressing such request by mail to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505. The request shall identify the particular record the individual wishes to amend or correct, the nature of the correction or amendment sought, and a justification for such correction or amendment.

(b) Within ten days of receipt of the request by the Privacy Act Coordinator (excluding Saturdays, Sundays and legal holidays) the Privacy Act Coordinator shall acknowledge receipt of the request.

(c) The Privacy Act Coordinator shall refer such requests to the components responsible for the record upon receipt of such request, shall advise the responsible components of the date of receipt and shall request that the responsible components make an initial determination on such request within thirty days of receipt (excluding Saturdays, Sundays and legal holidays).

(d) The responsible components shall:

(1) Make any correction or amendment to any portion of the record which the individual believes is not accurate, relevant, timely, or complete, and inform all other identified persons or agencies to whom the record has been amended and inform the Privacy Act Coordinator of this action; and the Privacy Act Coordinator shall, in turn, promptly inform the requestor; or

(2) Determine that the requested correction or amendment will not be made and shall so inform the Privacy Act Coordinator who, in turn, shall promptly inform the individual, setting out the reasons for the refusal and advising the individual of the right of appeal to Deputy Directors of the responsible components under § 1901.23.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.23 Appeal of initial adverse agency determination on correction or amendment.

(a) Any individual whose request made pursuant to § 1901.21 is refused may appeal such refusal.

(b) Appeals shall be sent in writing to the Privacy Act Coordinator and shall identify the particular record which is the subject of the appeal and shall state the basis for the appeal.

(c) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall direct that the Deputy Directors make a determination on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(d) The Deputy Directors of the responsible components, or senior officials designated by them, shall determine whether or not to amend the record and shall inform the Privacy Act Coordinator of the determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination, and inform the individual of his right to submit a statement pursuant to paragraph (e) of this section or to judicial review as provided for in this Part.

(e) If, on appeal, the refusal to amend or correct the record is upheld, the individual may file a concise statement setting forth the reasons for his disagreement with the determination. This statement shall be sent to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, within thirty days of notification of refusal to correct or amend the record. The System Manager shall clearly note any portion of the record which is disputed, and provide copies of the statement and, if the System Manager deems it appropriate, copies of a concise statement of reasons for not making the requested amendments to all other identified persons or agencies to whom the disputed record has been disclosed.

(f) The Director of Central Intelligence may extend up to thirty days the time period prescribed in paragraph (e).

graph (c) of this section within which to make a determination on an appeal from a refusal to amend or correct a record if it is found that a fair and equitable review cannot be completed within the prescribed time.

(40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976)

§ 1901.31 Disclosure of a record to a person other than the individual to whom it pertains.

(a) No record which is within a system of records shall be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552.

(3) For a routine use as defined in section 1901.3(f), as contained in the Notice of Systems published in the FEDERAL REGISTER of August 28, 1975 and as described in subsection (e)(4)(D) of the Act.

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and

if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 1901.41 Fees.

No fee shall be charged for the provision of copies of records requested under the Privacy Act (5 U.S.C. 552a).

§ 1901.51 Penalties.

(a) Criminal penalties may be imposed against any officer or employee of the CIA who, by virtue of his employment, has possession of, or access to, Agency records which contain information identifiable with an individual, the disclosure of which is prohibited by the Act or by these rules, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it.

(b) Criminal penalties may be imposed against any officer or employee of the CIA who willfully maintains a system of records without meeting the requirements of subsection (e)(4) of the Act (5 U.S.C. 552a(e)(4)).

(c) Criminal penalties may be imposed upon any person who knowingly and willfully requests or obtains any record concerning an individual from the CIA under false pretenses.

§ 1901.61 General

(a) Pursuant to section (j) of the Act the Director of the CIA has determined that sections of the Act (1) and (2), (e) (1), (e) (5), (6), (7), (9), (i) the following portions of record:

(1) Polygraph re

(b) Pursuant to section (j) of the Central Intelligence Act exempt from subsection (e)(3) (A through I) items of records : CIA.

(c) Pursuant to subsection (j) of the Central Intelligence Act to exempt from subsections (e)(4)(C) portions of each a records which has from individual action (j), in those cases by the respective record may jeopardize sources and methods the CIA may choose to firm nor deny the record and may advise that there is no record to him pursuant of 1974.

(d) Pursuant to subsection (j) of the Central Intelligence Act to exempt from access under subsection (d) portions and only the systems of records : CIA that:

(1) Consist of, per otherwise reveal in and methods;

(2) Consist of documentation provided by foreign or other public agency

(e) Pursuant to subsection (j) of the Central Intelligence Act to exempt from judgment subsection (g) of the

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of the agency or instrumentality which maintains the record and the law enforcement agency in which the record is sought; or a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual upon such disclosure notification has been transmitted to the last known address of such individual;

or the House of Congress, or any committee or subcommittee, or any joint committee or subcommittee of any such committee;

or the Comptroller General, or any authorized representative, in the course of the performance of official duties of the General Accounting Office;

or pursuant to the order of a court of competent jurisdiction.

Penalties.

Any person shall be charged for the production of copies of records requested under the Privacy Act (5 U.S.C. 552a).

Penalties.

Any person who knowingly or recklessly discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules, and any person who discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules, and any person who discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules.

Any person who knowingly or recklessly discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules, and any person who discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules.

Any person who knowingly or recklessly discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules, and any person who discloses information in violation of the provisions of this title shall be subject to the same penalties as those prescribed for the disclosure of information in violation of the provisions of the Privacy Act or by these rules.

Chapter XIX—Central Intelligence Agency

§ 1901.71

§ 1901.61 General exemptions.

(a) Pursuant to authority granted in section (j) of the Act (5 U.S.C. 552a(j)) the Director of Central Intelligence has determined to exempt from all sections of the Act except 552a(b), (c) (1) and (2), (e) (1) (4) (A) through (F), (e) (5), (6), (7), (9), (10), and (11), and (i) the following systems of records or portions of records in a system of record:

- (1) Polygraph records.
- (b) Pursuant to authority granted in section (j) of the Act the Director of Central Intelligence has determined to exempt from subsections (c)(3) and (e)(3) (A through D) of the Act all systems of records maintained by the CIA.

- (c) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from notification under subsections (e)(4)(G) and (f)(1) those portions of each and all systems of records which have been exempted from individual access under subsection (j), in those cases where the Privacy Act Coordinator determines after advice by the responsible components, that confirmation of the existence of a record may jeopardize intelligence sources and methods. In such cases the CIA may choose to neither confirm nor deny the existence of the record and may advise the individual that there is no record which is available to him pursuant to the Privacy Act of 1974.

- (d) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from access by individuals under subsection (d) of the Act those portions and only those portions of all systems of records maintained by the CIA that:

(1) Consist of, pertain to, or would otherwise reveal intelligence sources and methods;

(2) Consist of documents or information provided by foreign, federal, state, or other public agencies or authorities.

(e) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from judicial review under subsection (g) of the Act all determinations to deny access under section (d) of the Act and all decisions to deny notice under subsections (e) (4) (G) and (f) (1) of the Act pursuant to determination made under paragraph (c) of this section when it has been determined by an appropriate official of the CIA that such access would disclose information which would:

(1) Consist of, pertain to or otherwise reveal intelligence sources and methods;

(2) Consist of documents or information provided by foreign, federal, state, or other public agencies or authorities.

§ 1901.71 Specific exemptions.

(a) Pursuant to authority granted in subsection (k) of the Act (5 U.S.C. 552a (k)) the Director of Central Intelligence has determined to exempt from subsection (d) those portions and only those portions of all systems of records maintained by the CIA that would consist of, pertain to or would otherwise reveal information that is:

— (1) Subject to the provisions of section 552(b)(1) of Title 5 U.S.C.;

— (2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Act; *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

— (3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

— (4) Required by statute to be maintained and used solely as statistical records;

— (5) Investigatory material compiled solely for the purpose of determining

suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or pro-

motion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

CHAPTER X

<i>Part</i>	
2000	Administrative
2001	National security classification implementation